

REMARKS

Claims 1, 3-8 and 17 are all the claims pending in the application. Claims 2 and 9-16 previously were cancelled. Claims 1 and 17 are amended. New claims 18 and 19 are added.

In particular, claim 1 is amended in order to particularly point out that the claimed invention has a single (i.e., one and only one) bragg reflector layer. The claimed invention now is expressly limited to a bottom mirror (bragg reflector layer 19); the recitation of a single reflective layer necessarily precludes the presence of a top mirror. At page 6 line 6 and page 7 lines 17-18 of the original specification the applicants teach that the epitaxial structure of light emitting diode of the present invention merely has one and only bragg reflector layer 19. The support for the above interpretation can be found in Figures 2-3; thus no new matter is added. If the Examiner desires, Applicants are prepared to amend the specification to expressly state this feature. New claim 18 also specifies this feature.

Claim 17 is amended to particularly point out that the bragg reflector 19 is merely be oxidized partially along the lateral directions. Support for this amendment can be found in page 8 lines 3-4 and lines 13-15 of the specification and Fig. 3. Thus, no new matter is added. New claim 19 now specifies this feature.

The Examiner is respectfully requested to reconsider and withdraw the rejections in view of the amendments and remarks contained herein and also in the previous response filed on June 14, 2004.

Advisory Action

The Examiner states that the application is not in condition of allowance because the differences noted by the applicants between the prior art and the device of the invention do not appear to be required by the claim language here. For example, nothing in the claims addresses the issue of partial oxidation along a lateral direction, and also there is nothing about the absence of a top mirror.

Accordingly, the applicants have respectfully amended claims 1 and 17 and added claims 18 and 19 to show the aforementioned differences in the claims with respect to partial oxidation

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along a lateral direction and only one bragg reflector to partial oxidation along a lateral direction and only one bragg reflector layer formed in the device of the claimed invention (i.e no top mirror existing).

Conclusion

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. The applicants therefore respectfully request that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

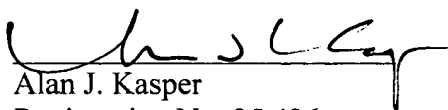
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